

THE CASE OF CONSTANCE KENT AND THE PLEA OF GUILTY.

—is infinitely more probable than that such a deed should have been done by such a person, and admitted in such a manner; that is, admitted without being confessed. The learned judge himself, with his usual and characteristic accuracy of expression, denoted the distinction. There was no confession, which would be unaccountable if the girl were guilty; for guilt seeks to unburden itself, and enters into detail, and in this instance there were the strongest moral reasons for doing so, in order to clear others who had been suspected and accused. But there was a marked absence of disclosure and detail, a studied adherence to the strictest reticence, an abstinence—evidently designed—from all circumstantial statement of facts which might test the truth of the confession. If the confession were false, this is not easily explainable, but would be precisely what we should expect. A person who had not done the deed could not declare the details, and would avoid attempting to do so, lest the attempt should betray the falsehood. And there never was a case in which details and circumstances were more necessary to clear others who had been suspected, and who had been made the subject of several previous inquiries. How strange that it should not have occurred to others—it evidently had occurred to the learned judge—to bring the confession to the test of a careful comparison with the undoubted facts of the sworn evidence in the case. Let us recall the history of the case, and trace out its broader features.

On Friday, June 30, 1860, the body of the murdered child was found in a privy, with its throat cut from ear to ear, and with a deep stab half through its chest. It is most important in such a case to look closely at what is called the “real” evidence in the case—those circumstances of the *corpus delicti* itself, which cannot deceive. Now in the present case the evidence of this kind was clear, strong, and conclusive as to the weapon used. The surgeon stated that there was a stab which was made by a long pointed knife, such as a dagger or a carving-knife. He came, he said, to that conclusion from the way in which the clothes were cut, “which nothing but a direct point would do.” And he added that it would require great force to inflict such a wound.

The wound, he said, must have been made stab by a dagger or pointed knife, and formed a made by a long and strong pointed instrument. Besides this, the throat was cut from ear to ear, which of course could have been done by a knife with a point, but the stab, the surgeon was sure, must have been done by such a weapon.

Besides this, the surgeon said that there were strong symptoms of suffocation. There was, he said, a blackened appearance round the mouth, as if something had been pressed tightly against it. It struck him, he said, that there had been strong pressure against the mouth before death; “the tongue, too, was protruded.” The appearance, he said, indica-

ted that there had been pressure upon the mouth for a considerable time; to such an extent as to cause the tongue to protrude, and blacken the mouth; and cause suffocation, if not death. The severing of the arteries would have caused the blood to spirt up in a jet, unless death had already taken place. The stab, he was sure, would require a long sharp-pointed instrument, and could not have been caused but by a sharp point. The stab had, he said, penetrated half through the chest.

Next, as to the time of the act. The surgeon stated that when he saw the body at nine o'clock, he thought death had taken place five hours previously, that is, about four in the morning. Allowing for the circumstance that the body was found in a cool place—the vault of a privy—it is more likely that it was a less time than a longer time than that. But taking it at that, or about that time, say between three and four in the morning, here the evidence of the surgeon received a strong confirmation in that of Mrs. Kent, who swore that “in the dim light of the morning,” which would be between three and four, she heard a noise as of the drawing-room window opening; which window was found open.

Then as to the condition and circumstances in which the body was found. It was wrapped in a small blanket which had been upon the bed between the counterpane and sheet; and under it was a small piece of flannel; and under that as much as a square yard of some newspaper. Such were the circumstances under which the body was found; and it is obvious that whoever did the deed would be able to account for the weapon with which it was done—the opening of the window—the use of the flannel and the paper, and all the other surrounding circumstances of the case.

It should be borne in mind further, that it was found in the course of the previous inquiries—though utterly forgotten afterwards—that there was access to the nursery from outside the house, through a little spare room adjoining it, and the low roof of an outhouse to which a man could obtain access merely by getting on a wall. It is an illustration of the extreme stupidity which marks our mode of dealing with such cases, that not only has the fact been entirely forgotten, but the contrary of it has been persistently assumed in all the discussions the case has received, and it has been taken as a fact, therefore, that the actual murderer must have been an inmate of the house. We know that a legal gentleman, who, at the time the case occurred, applied his mind to it, and wrote an elaborate letter to the late Home Secretary, Sir G. C. Lewis, about it, came to a different conclusion; and although, of course, there must have been some one in the house aware of the murder—for no rational theory of motive could be started which would not implicate two persons—it is not necessary to assume that the other person was any party to the murder, or even, in a legal sense, privy to it; for it may have been done by one with